

DEC 01 2004

**ECKERT
SEAMANS**Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh, PA 15219TEL 412 566 6000
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www.eckertseamans.com

FACSIMILE

TO: Examiner Rita J. Desai

COMPANY: USPTO FAX NUMBER: 703-872-9306
214001-01064

DATE: December 1, 2004 TIME: 4:45 PM

FROM: Arnold B. Silverman DIRECT DIAL: 412.566.5941

TOTAL PAGES (including cover): 8

MESSAGE:

Attached is a copy of the recent Notice of Appeal we filed on November 24, 2004. Upon further examination of the file, we discovered that the Notice of Appeal was not executed properly. Thus we are refiling the properly executed form. Please process and call with any questions. Also, please acknowledge receipt of this fax with a return acknowledgement fax

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OFFICE OF PETITIONS

NOTICE OF CONFIDENTIALITY: The statements upon and any documents included with this facsimile transmittal sheet contain information from the firm of Eckert Seamans Cherin & Mellott, LLC, that is confidential, privileged and exempt from disclosure under applicable laws. This information is intended to be for the exclusive use of the named addressee. If you are not the addressee, note that any disclosure, copying, distribution or use of the contents of this transmittal is prohibited. If you have received this facsimile in error, please immediately notify us at 412-566.6161 (collect) so that we can arrange for the retrieval of the original documents at no cost to you.

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PTO/SB/97 (08-03)

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ATTN: EXAMINER - Rita J. Desai

FAX: 703-872-9306

Certificate of Transmission under 37 CFR 1.8TOTAL PAGES ATTACHED: 7

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on DECEMBER 1, 2004
Date
Signature

ARNOLD B. SILVERMAN, ESQUIRE

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

PTO/SB/21 - TRANSMITTAL FORM
RETURN POSTCARD
PTO/SB/17 - FEE TRANSMITTAL
PTO/SB/31 - NOTICE OF APPEAL
NOTICE OF APPEAL LETTER
FAX TO EXAMINER

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| | | |
|---|------------------------|---------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/612,098 |
| | Filing Date | JULY 2, 2003 |
| | First Named Inventor | CHRISTIAN E. SCHAFMEISTER |
| | Art Unit | 1625 |
| | Examiner Name | RITA J. DESAI |
| | Attorney Docket Number | 214001-01024-1 |
| Total Number of Pages in This Submission | | 7 |

| ENCLOSURES (Check all that apply) | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard, Credit Card Payment Form, Notice of Appeal |
| Remarks | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual name | ARNOLD B. SILVERMAN | |
| Signature | <i>Arnold B. Silverman</i> | |
| Date | DECEMBER 1, 2004 | |

| CERTIFICATE OF TRANSMISSION/MAILING | | |
|---|----------------------------|--------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | |
| Typed or printed name | ARNOLD B. SILVERMAN | |
| Signature | <i>Arnold B. Silverman</i> | Date DECEMBER 1, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
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**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 170.00**Complete if Known**

| | |
|----------------------|---------------------------|
| Application Number | 10/612,098 |
| Filing Date | JULY 2, 2003 |
| First Named Inventor | CHRISTIAN E. SCHAFMEISTER |
| Examiner Name | RITA J. DESAI |
| Art Unit | 1625 |
| Attorney Docket No. | 214001-01024-1 |

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METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number
Deposit Account Name

02-2556

Eckert Seamans Cherin & Mellott, LLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|-------------|
| 1001 790 | 2001 395 | Utility filing fee | |
| 1002 350 | 2002 175 | Design filing fee | |
| 1003 550 | 2003 275 | Plant filing fee | |
| 1004 790 | 2004 395 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | (\$) |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent | -20** = | X | |
| Multiple Dependent | -3** = | X | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|-------------|
| 1202 18 | 2202 9 | Claims in excess of 20 | |
| 1201 88 | 2201 44 | Independent claims in excess of 3 | |
| 1203 300 | 2203 150 | Multiple dependent claim, if not paid | |
| 1204 88 | 2204 44 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | (\$) |

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------------|---------------|--|--------------------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 430 | 2252 215 | Extension for reply within second month | |
| 1253 980 | 2253 490 | Extension for reply within third month | |
| 1254 1,530 | 2254 765 | Extension for reply within fourth month | |
| 1255 2,080 | 2255 1,040 | Extension for reply within fifth month | |
| 1401 340 | 2401 170 | Notice of Appeal | |
| 1402 340 | 2402 170 | Filing a brief in support of an appeal | |
| 1403 300 | 2403 150 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,370 | 2453 685 | Petition to revive - unintentional | |
| 1501 1,370 | 2501 685 | Utility issue fee (or reissue) | |
| 1502 490 | 2502 245 | Design issue fee | |
| 1503 660 | 2503 330 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 790 | 2809 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 790 | 2810 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 790 | 2801 395 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |
| SUBTOTAL (3) | | | (\$) 170.00 |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBMITTED BYName (Print/Type) **ARNOLD B. SILVERMAN**Registration No.
(Attorney/Agent)

22,614

(Complete if applicable)

Telephone **412-566-5941**

Signature

Arnold B. Silverman

Date

December 1, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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DEC 01 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Group Art Unit: 1625
Christian E. Schafmeister : Examiner: Rita J. Desai
Serial No. 10/612,098 : Attorney Docket No. 214001-01024-1
Filed: July 2, 2003 : Entitled:
: BJS (AMINO ACID) MOLECULAR
: SCAFFOLDS

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OFFICE OF PETITIONSNOTICE OF APPEAL TRANSMITTAL LETTER

Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
December 1, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

In response to the Final Office Action dated September 2, 2004, enclosed please find a Notice of Appeal, appealing the Examiner's decision to the Board of Patent Appeals and Interferences.

As the Notice of Appeal is being filed within the shortened 3-month statutory period from the September 2, 2004 Final Office Action, it is submitted that no extension of time is required.

Also enclosed please find a return postcard. Please date stamp and return the enclosed postcard as evidence of the date of receipt of the enclosed documents.

Respectfully submitted,



Arnold B. Silverman
Registration No. 22,614
Attorney for Applicant

(412) 566.5941

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PTO/SB/31 (09-04)

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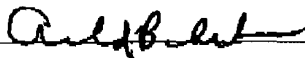
NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

214001-01024-1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)) on December 1, 2004

Signature



Typed or printed
name

Arnold B. Silverman

In re Application of
CHRISTIAN E. SCHAFMEISTER

Application Number

10/612,098

Filed

JULY 2, 2003

For BIS (AMINO ACID) MOLECULAR SCAFFOLDS

Art Unit

1625

Examiner

RITA J. DESAI

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 340.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 170.00

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. . I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 22,614

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34, _____



Signature

ARNOLD B. SILVERMAN

Typed or printed name

412-566-2077

Telephone number

DECEMBER 1, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 7 forms are submitted.

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